

HOUSE BILL 48

P1
HB 211/10 – HGO

11r0550

By: **Delegates Morhaim, Kipke, Pena–Melnik, and Tarrant**
Introduced and read first time: January 18, 2011
Assigned to: Health and Government Operations

Committee Report: Favorable
House action: Adopted
Read second time: February 24, 2011

CHAPTER _____

1 AN ACT concerning

2 **State Government – Open Meetings Act – Notice and Complaints**

3 FOR the purpose of requiring a complaint filed with the State Open Meetings Law
4 Compliance Board to be filed within a certain time period; requiring that notice
5 of a meeting of a public body include the date the notice is posted; altering
6 certain notice requirements; requiring a public body to give notice of a meeting
7 by certain methods under certain circumstances; authorizing a public body to
8 give notice of a meeting by certain additional methods; repealing certain
9 requirements related to notice of a meeting of a public body; and generally
10 relating to notice and complaints under the Open Meetings Act.

11 BY repealing and reenacting, without amendments,
12 Article – State Government
13 Section 10–502.5(a)
14 Annotated Code of Maryland
15 (2009 Replacement Volume and 2010 Supplement)

16 BY repealing and reenacting, with amendments,
17 Article – State Government
18 Section 10–502.5(b) and 10–506
19 Annotated Code of Maryland
20 (2009 Replacement Volume and 2010 Supplement)

21 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
22 MARYLAND, That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 **Article – State Government**

2 10–502.5.

3 (a) Any person may file a written complaint with the Board seeking a
4 written opinion from the Board on the application of the provisions of this subtitle to
5 the action of a public body covered by this subtitle.

6 (b) The complaint shall:

7 (1) be signed by the person making the complaint; [and]

8 (2) identify the public body, specify the action of the public body, the
9 date of the action, and the circumstances of the action; **AND**

10 **(3) BE FILED WITHIN 1 YEAR AFTER THE ACTION THAT IS THE**
11 **BASIS FOR THE COMPLAINT OCCURRED.**

12 10–506.

13 (a) Before meeting in a closed or open session, a public body shall give
14 reasonable advance notice of the session.

15 (b) [Whenever reasonable, a notice] **NOTICE** under this section shall
16 **INCLUDE:**

17 (1) [be in writing;

18 (2) include] the date, time, and place of the session; [and]

19 **(2) THE DATE THAT A NOTICE PROVIDED UNDER SUBSECTION**
20 **(C)(1) OF THIS SECTION IS POSTED; AND**

21 (3) if appropriate, [include] a statement that a part or all of a meeting
22 may be conducted in closed session.

23 (c) **(1)** A public body [may] **SHALL** give the notice under this section [as
24 follows]:

25 [(1) if the public body is a unit of the State government, by publication
26 in the Maryland Register;

27 (2) by delivery to representatives of the news media who regularly
28 report on sessions of the public body or the activities of the government of which the
29 public body is a part;

1 (3) if the public body previously has given public notice that this
2 method will be used:

3 (i) by posting or depositing the notice at a convenient public
4 location at or near the place of the session; or

5 (ii) by posting the notice on an Internet website ordinarily used
6 by the public body to provide information to the public; or

7 (4) by any other reasonable method.]

8 (I) UNLESS THE PUBLIC BODY DOES NOT REGULARLY USE A
9 WEB SITE TO PROVIDE INFORMATION TO THE PUBLIC OR HAVE ACCESS TO A
10 WEB SITE TO PROVIDE INFORMATION TO THE PUBLIC, BY POSTING THE NOTICE
11 ON A WEB SITE THAT IS REGULARLY USED BY THE PUBLIC BODY; AND

12 (II) BY POSTING THE NOTICE AT A LOCATION ACCESSIBLE
13 TO THE PUBLIC AND REGULARLY USED BY THE PUBLIC BODY FOR POSTING
14 NOTICES.

15 (2) IN ADDITION TO PROVIDING NOTICE IN ACCORDANCE WITH
16 PARAGRAPH (1) OF THIS SUBSECTION, A PUBLIC BODY MAY GIVE NOTICE OF A
17 MEETING BY ANY METHOD THAT THE PUBLIC BODY CONSIDERS APPROPRIATE,
18 INCLUDING BY DELIVERY TO REPRESENTATIVES OF THE NEWS MEDIA WHO
19 REGULARLY REPORT ON SESSIONS OF THE PUBLIC BODY OR THE ACTIVITIES OF
20 THE GOVERNMENT OF WHICH THE PUBLIC BODY IS A PART.

21 (d) A public body shall keep a copy of a notice provided under SUBSECTION
22 (C)(1) OF this section for at least 1 year after the date of the session.

23 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
24 October 1, 2011.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.